

Appl. No. : 10/776,475
Filed : February 10, 2004

REMARKS

In the Final Office Action mailed August 9, 2006, the Examiner rejects Claims 19, 21, 23, 27, 28, 32, 36-47, 51, and 52 under 35 U.S.C. § 102(b) as being anticipated by Welch et al. (U.S. Patent No. 5,864,574 – “Welch”). The Examiner also rejects Claims 1-4, 6-9, 13, 15, 19-21, 23, 27, 28, 32, 36-45, 47, 51, and 52 under 35 U.S.C. § 102(b) as being anticipated by O’Brien et al. (U.S. Patent No. 5,793,521 – “O’Brien”). The Examiner also rejects Claims 1-18, 20, 22, 24-26, 29-31, 33-35, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Welch, and further in view of O’Brien. The Examiner also rejects Claims 5, 10-12, 14, 16-18, 22, 24-26, 29-31, 33-35, 46, 48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over O’Brien. The Examiner states that Claim 50 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims.

Applicant first thanks the Examiner for participating in a telephonic interview on November 7, 2006. By this paper, Applicant addresses the various issues raised by the Examiner.

Rejection of Independent Claims 1, 19, and 36

Independent Claims 1, 19, and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by O’Brien. Claims 19 and 36 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Welch. Claim 1 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Welch, and further in view of O’Brien.

O’Brien

Applicant respectfully submits that O’Brien does not teach or suggest a feature where light signals are propagated to/from a location that is above or below the coupling device. Instead, O’Brien appears to teach coupling of light to a location at the end of the device.

Claim 1, 19, and 36 are amended accordingly to clarify such a difference. Applicant notes that support for the added claim language can be found, for example, in page 26, lines 1-9, of the specification in reference to Figure 10.

For at least the foregoing reasons, Applicant respectfully submits that the amended forms of Claims 1, 19, and 36 are not anticipated by O’Brien.

Appl. No. : 10/776,475
Filed : February 10, 2004

Welch

Applicant respectfully submits that Welch does not teach a feature where the elongate scattering elements have curvatures or shapes that are different than curvatures or shapes of wavefronts of light propagating in the flared portion (Claims 1 and 19) or the grating coupler (Claim 36). In fact, Welch teaches away from such a concept. For example, Welch discloses gratings having “a curvature that matches the curved phase fronts of the lightwaves propagating in the flared gain section 114.” (See Welch, column 10, lines 7-11.)

Claim 1, 19, and 36 are amended to reflect such a difference. Applicant notes that support for the added claim language can be found, for example, in the specification at page 32, line 23 to page 33, line 8 in reference to Figure 14.

For at least the foregoing reasons, Applicant respectfully submits that the amended forms of Claims 19 and 36 are not anticipated by Welch. Moreover, Applicant respectfully submits that the combination of features as recited in Claim 1 is not obvious in view of Welch.

Welch and O'Brien

As discussed above, Welch teaches away from Claim 1; thus, combination of Welch and O'Brien still would teach away from Claim 1.

For at least the foregoing reasons, Applicant respectfully submits that the amended form of Claim 1 is not obvious in view of Welch and O'Brien.

Rejection of Dependent Claims

The rejected dependent claims include all of the limitations of their corresponding base claims, plus additional limitations. Thus, for at least the reasons discussed above, Applicant respectfully submits that the rejected dependent claims are also patentable.

Claim 2 Canceled

Applicant cancels Claim 2 without prejudice or disclaimer, since its subject matter is now incorporated into Claim 1.

Appl. No. : 10/776,475
Filed : February 10, 2004

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In view of the above remarks, Applicant submits that the application is in condition for allowance and respectfully request the same. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is invited to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11-9-06

By: 

James W. Chang
Registration No. 52,718
Agent of Record
Customer No. 20,995
(951) 781-9231

3098892
110806